

### **REMARKS**

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claim 1 has been amended. No new matter is added by the amendment. Claims 1-25 are currently pending. Applicants request consideration of the following remarks.

For the reasons given below, Applicants submit that the amended claims are in condition for allowance and notification to that effect is earnestly solicited.

### **Restriction Requirement**

Without acquiescing to the statements made therein, the Applicants' undersigned representative, in a telephone conversation on June 16, 2005, elected with traverse the claims of Group I, claims 1-19, for prosecution in the instant application. Applicants traverse the restriction requirement because it would not be unduly burdensome for the Examiner to search and examine all the claims. Examination on the merits is respectfully requested.

### **Claim Amendments**

Applicants have amended claim 1 to recite a method of "imparting gloss to a hard surface." This amendment is supported by the specification at least at page 2, line 23 and in the Examples at pages 12-14.

Applicants have amended claim 1 to recite a composition "substantially free of defoaming alcohol." This amendment is supported by the specification at page 10, lines 18-19. This text suggests that alcohol may optionally be used as a defoamer, which adequately supports the recitation of a method of imparting gloss on a hard surface including the application of a composition substantially free of defoaming alcohol.

Applicants have amended claim 1 to recite a method of imparting a gloss to a hard surface including "leaving at least one glycol on the hard surface to impart gloss." This amendment is supported by the specification at least at page 12, lines 3-11, and Example 1, page 12, lines 26-31, and page 13, lines 1-5. This text describes application of the composition to a hard surface and only removing the excess composition.

Applicants respectfully argue claim 1 and its dependents are in condition for allowance, and notification to that effect is earnestly solicited.

**Claim Rejections under 35 U.S.C. § 102****Seaman Reference**

The Examiner rejected claims 1-16, 18, 19 under 35 U.S.C. § 102(b) as anticipated by US 4,978,469 to Seaman. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcome this rejection. Claim 1 now recites use of a composition "substantially free of defoaming alcohol." The Seaman reference requires use of at least one C<sub>2-3</sub> alcohol (col. 1, line 45). The presence of alcohol disclosed in the Seaman reference is necessary to allow for the cleaning of sub-freezing surfaces without solidification (col. 1, lines 15-21, col. 3, lines 27-28). The Seaman reference does not anticipate the presently claimed invention because claim 1 recites the application of a composition substantially free of a defoaming alcohol.

Applicants note that glycol is not considered an alcohol in the Seaman reference or in the presently claimed application. The Seaman reference states the freezing point of the cleaning composition may be varied by adjusting the ratio of water, glycol, and alcohol (col. 2, lines 7-9). This passage indicates a glycol component is separate from an alcohol component.

Accordingly, based on the foregoing differences, Applicants respectfully submit that this reference does not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

**Perovetz Reference**

The Examiner rejected claims 1-8, 10 and 16 under 35 U.S.C. § 102(b) as anticipated by Perovetz et al. (U.S. 4,925,491). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcome this rejection. Claim 1 has been amended to recite a "method of imparting gloss to a hard surface." The Perovetz reference does not disclose such a method. Rather, the Perovetz reference discloses the use of a composition that contains a suspended particulate in the form of a diatomaceous earth (col. 3, lines 15-16). A composition used to impart gloss cannot contain a suspended particulate, as the application of such a composition would not result in a glossy finish. Perovetz does not anticipate the presently claimed invention because the application of the composition disclosed in Perovetz would not result in imparting gloss.

Accordingly, based on the foregoing differences, Applicants respectfully submit that this reference does not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

#### Sabde Reference

The Examiner rejected claims 1-6, 8, 10, and 16 under 35 U.S.C. § 102(b) as anticipated by Sabde (U.S. 6,306,012). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcome this rejection. Claim 1 currently recites a method for imparting gloss on a hard surface. The Sabde reference discloses the use of abrasives materials. Specifically, the Sabde reference discloses a chemical-mechanical planarizing process used to remove material from a substrate to create a highly planar surface (col. 1, lines 15-21). In contrast, the presently claimed invention recites a method of imparting gloss on a hard surface by applying a composition including glycol. The presently claimed method of imparting gloss does not abrasively remove material from a substrate. Thus, for at least this reason, the Sabde reference does not anticipate the presently claimed invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit that this reference does not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

#### Darcangelo et al. Reference

The Examiner rejected claims 1, 9-11 under 35 U.S.C. § 102(b) as anticipated by Darcangelo et al. (U.S. 6,375,551). Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcome this rejection. Claim 1 currently recites a method for imparting gloss on a hard surface. The Darcangelo reference discusses using a polish to form a "angstrom level roughness high quality surface" in optical lithography fluoride crystal surfaces (col. 1, lines 51-52). This reference does not disclose the use of a method for imparting gloss on a hard surface. For at least this reason, the Darcangelo reference does not anticipate the presently claimed invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit that this reference does not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

Swan Reference

The Examiner rejected claims 1-6, 8-13, 16-18 under 35 U.S.C. § 102(e) as anticipated by US 20050126630 A1 to Swan. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcomes this rejection. Claim 1 currently recites a method for imparting gloss on a hard surface. The Swan reference discloses a method of injecting antifreeze into a plumbing system to protect the internal structure of plumbing pipes. The reference also discloses that the antifreeze can be flushed from the system with water (page 1, paragraph [0006]). This reference does not disclose the use of a composition including glycol for imparting gloss on a hard surface. For at least this reason, the Swan reference does not anticipate the presently claimed invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit that this reference does not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

CN 1329121 A to Liang (abstract) or JP 10017851

The Examiner rejected claims 1 and 19 under 35 U.S.C. 102(b) as anticipated by CN 1329121 A to Liang (abstract) or JP 10017851, each one individually. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the amendments to claim 1 overcome this rejection. Claim 1 currently recites a method for imparting gloss on a hard surface. The Liang and JP references disclose a rubber tire-protecting agent and method. These agents are intended to protect the tire. In contrast, the presently claimed invention is a method of imparting gloss on a hard surface. The disclosure in these references of use of a composition to protect a tire does not disclose the presently claimed invention. For at least this reason, these references do not anticipate the presently claimed invention.

Accordingly, based on the foregoing differences, Applicants respectfully submit that these references do not teach every element of the presently claimed invention and withdrawal of this rejection is respectfully requested.

**SUMMARY**

In view of the above, Applicant contends the claims are allowable and respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: Sept 22, 2005

Mark T. Skoog  
Mark T. Skoog  
Reg. No. 40,178

